

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No.1892(S/S)03
(Old No. 1050(S/S) 1993)

Mohan Chandra Joshi S/o late D.N. Joshi,
Resident of Daya Bhawan Talla Joshitola,
District Almora.

-----Petitioner.

Vs.

1. State of U.P. through the Secretary Irrigation,
Civil Secretariat, Lucknow,
2. Engineer-in-Chief, Irrigation Department,
U.P. Lucknow,
3. Accountant General, (A.E.)-II, U.P., Allahabad,
4. Senior Deputy Accountant General (Work),
Office of the Accountant General (A&E)-II,
U.P., Allahabad.

----Respondents.

Sri G.C. Kandpal learned Counsel for the petitioner.
Smt. Beena Pandey, learned Standing Counsel for State of U.P. and
Learned Standing Counsel for Union of India/respondent no. 3 & 4.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinod Tewari, Adv., holding brief of Sri G.C. Kandpal, learned Counsel for the petitioner, Smt. Beena Pandey, learned counsel for State of U.P./respondent no. 1 & 2 and learned Standing Counsel for Union of India/respondent nos. 3 & 4.

By means of this writ petition, the petitioner has challenged the order dated 4th October 1990 passed by Senior Deputy Accountant General (Works). U.P. Allahabad by which the petitioner has been reverted from the post of Emergency Divisional Accountant and was sent back to his parent Department i.e. Irrigation Department from where he had joined earlier in the office of Accountant General as Emergency Divisional Accountant. The cause of sending back the petitioner to his parent Department was that the petitioner could not

passed the departmental test namely Divisional Accountant Grade Examination within the available maximum number of chances.

The order impugned was passed on 4th October 1990. At the initial stage at the time of admitting the petitioner, no stay order was granted in favour of the petitioner by the Allahabad High Court with the consequence the petitioner joined his duties in his parent Department and by the time he has already been retried from service.

In view of the aforesaid circumstances, the writ petition has rendered infructuous.

Accordingly, the writ petition is dismissed being infructuous. No order as to costs.

(M.M. Ghildiyal, J.)

August 2, 2007:
NCM: